

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 20, 2011 (certificate of mailing date) has been entered.

Claim Status

Claims 1, 3, 4, 19, 21 and 22 are currently pending.

Claims 2, 5-18, 20 and 23-36 have been cancelled.

Claim Objections

Claims 1 and 19 are objected to because of the following informalities:

(I) With regard to claim 1 (line 23), a comma should be inserted after the word “lines.”

(II) With regard to claim 1 (line 25), the period after the word “equal” should be changed to a comma.

(III) With regard to claim 19 (line 26), the period after the word “equal” should be changed to a comma.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 4, 19, 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per amended claim 1, the phrase “wherein said parasitic capacitances between the write lines and read lines are used to cancel crosstalk, *E-field*, noise between said write lines and said read lines *wherein said read lines are crossed so that the average distance from each said write line to each said read line is equal. wherein if said two write lines carry completely unrelated signals, each said read line gets an equal dose of disturbance on each of said write lines,*” (emphasis added) was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

More concretely, there is nothing in the original disclosure to show or suggest, to one having ordinary skill in the art, that the Applicants’ were in position of structure

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capable (implicitly or explicitly) of providing “wherein said parasitic capacitances between the write lines and read lines are used to cancel . . . *E-field*,” and wherein “noise between said write lines and said read lines and *wherein said read lines are crossed so that the average distance from each said write line to each said read line is equal. wherein if said two write lines carry completely unrelated signals, each said read line gets an equal dose of disturbance on each of said write lines.*” There is certainly nothing in the drawings to indicate the drawings are other than mere schematic models; there is nothing to indicate the drawings are even remotely drawn to scale.

Similarly, see amended claim 19.

Additionally, since claims 3, 4 and 21, 22 depend directly or indirectly from claims 1 and 19, respectively, they too are thus rejected under the first paragraph of 35 U.S.C. § 112.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, 19, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per amended claims 1 and 19, the amended limitation that “wherein said multiple read lines are crossed half-way” (e.g., see claim 1, line 11 and claim 19, line 12)

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in conjunction with the limitation of “a single crossing point of said write lines” (e.g., see claim 1, line 15 and claim 19, line 16) appears to be misdescriptive with the elected embodiment of Figure 4 (**Species II**) (see the Restriction Requirement of May 25, 2006 and Applicants’ election in the response filed on June 29, 2006).

Thus, amended claims 1 and 19 (and claims dependent thereon) appear to be misdescriptive with respect to the elected embodiment, wherein **only** the write lines are crossed; thus, the scope of the claims, based on the underlying elected embodiment, cannot be readily ascertained as to the full metes and bounds.

With regard to amended claims 1 and 19, the aforementioned claim language is misdescriptive to the disclosure of the instant specification (Species II). Such language leads to “an unreasonable degree of certainty” as it pertains to claim scope, since the language is inconsistent with the disclosure of the instant specification, thus rendering the claims, when viewed in light of the specification, indefinite.

As set forth in **MPEP § 2173.03**:

Although the terms of a claim may appear to be definite, inconsistency with the specification disclosure or prior art teachings may make an otherwise definite claim take on an unreasonable degree of uncertainty. *In re Cohn*, 438 F.2d 989, 169 USPQ 95 (CCPA 1971); *In re Hammack*, 427 F.2d 1378, 166 USPQ 204 (CCPA 1970). In *Cohn*, the claim was directed to a process of treating a surface with a corroding solution until the metallic appearance is supplanted by an “opaque” appearance. Noting that no claim may be read apart from and independent of the supporting disclosure on which it is based, the court found that the description, definitions and examples set forth in the specification relating to the appearance of the surface after treatment were inherently inconsistent and rendered the claim indefinite.

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Additionally, since claims 3, 4 and 21, 22 depend directly or indirectly from claims 1 and 19, respectively, they too are thus rejected under the second paragraph of 35 U.S.C. § 112.

The Examiner has made no prior art rejection of claims 1, 3, 4, 19, 21 and 22 because the subject matter encompassed by the claims must be reasonably understood without resort to speculation. Presently, speculation and conjecture must be utilized by the Examiner and by the artisan inasmuch as the claims, as presently drafted, do not adequately reflect what the disclosed invention is, as based on the underlying disclosure and/or elected Species. Note *In re Steele*, 305 F.2d 859, 862, 134 USPQ 292, 295 (CCPA 1962) (A prior art rejection cannot be sustained if the hypothetical person of ordinary skill in the art would have to make speculative assumptions concerning the meaning of claim language.); Note also *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571)272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J Klimowicz/
Primary Examiner, Art Unit 2627